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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/800,252 03/06/01 GASPARRINI

C 0140-4126US5

EXAMINER

IM52/0924

MORGAN & FINNEGAN, L.L.P.  
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NEW YORK NY 10154

EL ARINI, Z

ART UNIT

PAPER NUMBER

1746

DATE MAILED:

09/24/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

<p align="center"><b>Office Action Summary</b></p>	<b>Application No.</b> 09/800,252		<b>Applicant(s)</b> GASPARRINI ET AL.	
	<b>Examiner</b> Zeinab E. EL-Arini		<b>Art Unit</b> 1746	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 March 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6,9-11 and 17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6,9-11 and 17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
 If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) ☐ All   b) ☐ Some \*   c) ☐ None of:  
     1. ☐ Certified copies of the priority documents have been received.  
     2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
     3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
 \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
 a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

Claims 1-6, 9-11, and 17 are pending.

### ***Specification***

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims <sup>4</sup>~~5~~-6, 9-11, and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 5, line 3, " the step of cleaning", and in claim 17, line 1, " said step of dipping", and in claim 4, line 2, " the step of removing" are all without proper antecedent basis.

### ***Double Patenting***

4. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA

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1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

5. Claims 1, 5, and 9 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 8, 10, 11, and 24 of U.S. Patent No. 6,263,795. Although the conflicting claims are not identical, they are not patentably distinct from each other because the process as claimed is functionally equivalent to the process as claimed in the 6,263,795 patent.

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-6, 10-11 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aoki (5,509,353) in combination with Gasparrini et al.(5,368,157).

Aoki teaches the method and structure of a soak on press assembly for use in printing press cylinder cleaning system as claimed including a cleaning web supply roll 60 and a take-up roll 61, and a cleaning web 59 being fed out from the supply roll 60, soaked with cleaning solvent as it passes through cleaning solvent reservoir 77, pressed against the printing cylinder 11 by the pressure pad 55 for cleaning the cylinder, and then taken up by the take-up roll 61. See the entire document of Aoki for example. However, even though Aoki does use a container-like tray for collecting the excess cleaning solvent dripping off from the cleaning web 59 after it has been soaked, the cleaning web is not immersed in the solvent contained in the container as recited.

Gasparini et al. Teach the conventionality of soaking a cleaning strip by immersing the cleaning strip fed out from a supply roll through a tank of low volatility, organic compound cleaning solvent in order for the cleaning strip to be saturated with the cleaning solvent or by immersing the entire cleaning strip supply roll in the cleaning solvent for soaking.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the tray container of Aoki with enough cleaning solvent to immerse the cleaning web therein so as to effectively soaking and saturating the cleaning web. In column 5, lines 40-43, the teaching of Aoki to remove the cylinder cleaning cassette body 22 from the slide frames 85a, 85b to prevent interference with normal printing operation indicates that frames 85a and 85b are part of printing press frame and the cylinder cleaning structure is mounted on such frames to carry out the on press cleaning operation.

8. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Aoki in combination with Gasparrini et al as applied to claims 1-6, 10-11 and 17 above, and further in view of Knaul et al. (4,860,883).

Aoki, as modified by Gasparrini et al. removes excess cleaning solvent from the cleaning web by draining. Knaul et al. Teach in cleaning device the use of a pressure roller 5 in contact with a cleaning roller 2, covered with a felt-like material for soaking up a cleaning solvent to squeeze out excess cleaning solvent from the cleaning roller surface. See Fig. 1 and col.4, lines 29-35 in Knaul et al. for example.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the cylinder cleaning system of Aoki, as modified by Gasparrini et al. with a pressure roller to more effectively remove the excess cleaning solvent from the cleaning web.

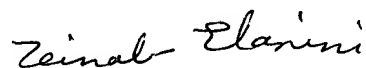
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zeinab E. EL-Arini whose telephone number is (703) 308-3320. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy Gulakowski can be reached on (703) 308-4333. The fax phone

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numbers for the organization where this application or proceeding is assigned are (703)305-7719 for regular communications and (703)305-7719 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.



Zeinab E. EL-Arini  
Primary Examiner  
Art Unit 1746

ZEE  
September 19, 2001